

047080/12538/JAF/JBP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACQUELINE MUELLER, Individually
and as Mother and Next Friend of MARION
MUELLER, a minor, LUKE MUELLER,
Individually and as Father and Next Friend
of MARION MUELLER, a minor, and
PATRICK BOHN, Individually, and as
Father and Next Friend of JULIETTE
BOHN, a minor,

Plaintiff,

v.

JUSTIN H. CHILDS and SPECIALIZED
TRANSPORTATION ENTERPRISES, a
foreign corporation,

Defendants.

Case No. 20-cv-4288

PETITION FOR REMOVAL

Petitioner, SPECIALIZED TRANSPORTATION ENTERPRISES, a foreign corporation,
by and through its attorneys, Jayne Bart-Plange of CASSIDAY SCHADE LLP, for its PETITION
FOR REMOVAL TO FEDERAL COURT, states as follows:

1. Plaintiffs filed their Complaint in the Circuit Court of Cook County, Illinois on
July 16, 2020. In the initial Complaint, Plaintiffs, JACQUELINE MUELLER, Individually and
as Mother and Next Friend of MARION MUELLER, a minor, LUKE MUELLER, Individually
and as Father and Next Friend of MARION MUELLER, a minor and PATRICK BOHN,
Individually, and as Father and Next Friend of JULIETTE BOHN, a minor, (hereinafter,
“Plaintiffs”) allege that defendant SPECIALIZED TRANSPORTATION ENTERPRISES, a
foreign corporation, through its employee, defendant JUSTIN H. CHILDS, negligently struck

another vehicle, which caused a collision between that vehicle and Plaintiffs' vehicles. Plaintiffs' individually claim injuries and damages as a direct and proximate result of Defendants' alleged negligence. Plaintiff's further claim damages under the Family Expense Act 750 ILCS 65/15. (*See attached Complaint at Law, attached hereto as "Exhibit A"*).

2. All five Plaintiffs' allege that each of their individual damages total in excess of \$50,000. (*See Exh. A*).

3. Plaintiffs' further allege that each of them, individually, suffered and will continue to suffer injuries of a personal and pecuniary nature. Plaintiffs JACQUELINE MUELLER, Individually and as Mother and Next Friend of Marion Mueller, and PATRICK BOHN, Individually and as Father and Next Friend of JULIETTE BOHN allege that they have incurred and will continue to incur medical bills for the care and treatment of their minor children. (*See Exh. A – ¶s 22, 24*).

4. Defendant SPECIALIZED TRANSPORTATION ENTERPRISES, INC. was served with process on **June 22, 2020**.

5. Defendant SPECIALIZED TRANSPORTATION ENTERPRISES, INC. is incorporated in Minnesota, and its headquarters and principal place of business is located in Victoria, Carver County, Minnesota. (*See Exh. B – Affidavit of Darryl Snader.*). Consequently, SPECIALIZED TRANSPORTATION ENTERPRISES, INC. is a citizen of Minnesota. (*See Exh. C – Specialized Transportation Enterprises, Inc. Secretary of State Registration*).

6. As alleged in Plaintiffs' Complaint, and upon information and belief, defendant JUSTIN H. CHILDS is a citizen of Hartford, Sebastian County, Arkansas.

7. As alleged in their Complaint, Plaintiffs are each citizens of Chicago, Cook County, Illinois. (*See Exh. A - Count 1, ¶s 5-12*)

8. Considering that Plaintiff is claiming damages in excess of \$50,000 that include: (1) injuries of a personal and pecuniary nature; and (2) past and future medical bills for the care and injury of the minor Plaintiffs, Plaintiff's alleged damages easily exceed \$75,000. *See e.g. Andrews v. E.I. du Pont de Nemours & Co.*, 477 F.3d 510, 515 (7th Cir. 2006).

9. Pursuant to 28 U.S. C. § 1332(a), a United States District Court shall have original jurisdiction over all civil actions where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states. The Plaintiffs are citizens of Illinois. Defendant JUSTIN H. CHILDS is a citizen of Arkansas, and Defendant SPECIALIZED TRANSPORTATION ENTERPRISES is a citizen of Minnesota. Consequently, the requirements for diversity jurisdiction are met.

WHEREFORE, Petitioner SPECIALIZED TRANSPORTATION ENTERPRISES, a foreign Corporation, respectfully request that this cause of action be removed to the United States District Court for the Northern District of Illinois, Eastern Division, and for such other relief the Court deems just and proper.

Respectfully submitted,

CASSIDAY SCHADE LLP

By: /s/ Jayne Bart-Plange

One of the Attorneys for Petitioner
SPECIALIZED TRANSPORTATION
ENTERPRISES, a foreign corporation

Jayne Bart-Plange (ARDC # 6320269)
CASSIDAY SCHADE LLP
222 West Adams Street, Suite 2900
Chicago, IL 60606
(312) 641-3100
(312) 444-1669 – Fax
jbart-plange@cassiday.com

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2020, I electronically filed the foregoing document with the clerk of the court for the Northern District of Illinois using the electronic case filing system of the court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case. A copy was also sent via e-mail to the following attorney:

David Nemeroff, Esq.
Nemeroff Law Offices, Ltd.
105 West Madison Street, Suite 1900
Chicago, IL 60601
(312) 629-8800
(312) 629-0388 (Fax)
service@nem-law.com

/s/Jayne Bart-Plange

9545171 JPLANGE;JPLANGE